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December 10, 2021

VIA ECF

Hon. Paul A. Engelmayer
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Request for Extension of time, *Broadwall Management Corp., et al v. v. Affiliated FM Insurance Company*, Docket No. 21-cv-10247 (PAE)

Dear Judge Engelmayer:

This firm represents Plaintiff Broadwall Management Corp. and the 32 other named Plaintiffs in the above referenced matter (“Broadwall” or “Plaintiffs”). We write with regard to Your Honor’s recent Order granting Plaintiffs leave to file an Amended Complaint in accordance with Federal Rule of Civil Procedure 15(a)(2) to allege the citizen ship of all members of the LLCs in this case by December 13, 2021. (Dkt. No. 9).¹ Plaintiffs respectfully request that this Court grant a four-week extension of time for Plaintiffs to file an Amended Complaint. If granted, Plaintiffs Amended Complaint would be due January 10, 2022. This is Plaintiffs’ first request for such extension.

As detailed in Plaintiffs pending Letter Motion seeking a Stay of the same Order, Plaintiffs include 32 Limited Liability Corporations. In order to assess whether this Court has subject matter jurisdiction in this case, it is necessary for Plaintiffs to undertake a comprehensive review of the membership of each of these limited liability companies. Further complicating this investigation, the membership of each of these LLCs includes additional distinct LLCs, necessitating further layers of analysis. Additionally, not all, of this information is under Plaintiffs care, custody, and

¹ This request for an extension of time is in addition Plaintiffs’ existing request for a stay of the order to permit consideration and briefing on the question of the propriety of Defendants removal given their admission that diversity is “unknown.” (Dkt. No. 12).

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control. Insofar as Plaintiffs issue payments or disbursements to LLC members that are outside partners (which is the case for many of these 32 LLC property owners) the constituent members of those LLCs are unknown to Plaintiff. Similarly, the ultimate constituent members of many of these LLCs will include trusts, which will require both a legal and factual analysis of the trust to ascertain citizenship.

In total, it is likely that a full jurisdictional analysis of the composition of the membership of these LLCs will require analysis of the citizenship of several hundred entities and individuals, the majority of whom are presently unknown to Plaintiff.²

We thank Your Honor for your attention to this matter.

Sincerely,

By: /s/ David J. Matulewicz-Crowley

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Granted. Plaintiffs' new deadline to file an amended complaint properly alleging the citizenship of each plaintiff for the purpose of diversity jurisdiction is **January 10, 2022**. Defendant's deadline to answer or otherwise respond to the amended complaint is **January 31, 2022**. Further, if plaintiffs discover any facts they believe to defeat diversity jurisdiction, they are directed to promptly share this information with defendant to discuss a consent remand motion. *See* Dkt. 13 at n.1. Plaintiffs' letter motion at docket 11 is denied as moot. The Clerk of Court is respectfully directed to terminate the motions pending at dockets 11 and 15. SO ORDERED.

Dated: December 13, 2021.



PAUL A. ENGELMAYER
United States District Judge

² In light of this, it is truly puzzling how Defendant Affiliated FM can pronounce with confidence that "Defendant fully expects that such compliance will establish that this Court has diversity jurisdiction over this action." *See* Defendant's Response to Letter Motion (Dkt. No. 13).